IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

WRIT PETITION NO. 33143 OF 1997

Dated : October 3, 2007

Between:

The Chittoor District Primary Agricultural Co-Operative Societies Secretaries and Employees Association, Chittoor,
Rep. By its General Secretary, P.Raja Gopal

Petitioner

AND

The President,
The Chittoor District Co-Operative Central Bank Ltd., Chittoor and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

WRIT PETITION NO. 33143 OF 1997

ORAL ORDER:

This writ petition is filed seeking a writ of mandamus declaring the proceedings issued by the 2nd respondent in No.100/Acct.II/97-98 dated 29.9.1997 entrusting the

duties of V Cadre to the respondents 5 to 17 as illegal, arbitrary and unconstitutional and in violation of GO Ms. No.773 Food and Agriculture (Coop.III) Department dated 28.5.1985 and consequential GO Ms. No.1271 Food and Agriculture (Coop.III) Department dated 8.8.1986 and the Circular Memorandum issued by the 4th respondent in his Rc. No.124805/81-C4.I(B)S dated 20.7.1988 and consequently set aside the proceedings dated 29.9.1997 issued by the 2nd respondent by directing the 1st respondent to fill up the V Cadre Post in the ratio of 9:1 with retrospective effect from the date of impugned order i.e. 29.9.1997.

The members of the petitioner association are working as Secretaries in the Primary Agricultural Co-Operative Societies in Chittoor District and they have completed Junior Diploma in Co-Operation and qualified for appointment in V Cadre Post in the Co-Operative Central Banks. The qualifications prescribed for such appointment is a pass in Intermediate or an equivalent examination and completion of Junior Diploma in Co-Operation and necessary experience. The Government issued GO Ms. No. 391 Food & Agriculture (Coop.III) Department dated 9.9.1981 directing the Co-Operative Central Banks to fill up all the V Cadre posts by the Secretaries who are otherwise qualified to be appointed.

While so, it is stated that a meeting was convened

between the Secretaries and the employees of the Co-Operative Central Banks and an agreement was arrived at between them to the effect that all the future vacancies in V Cadre of the Co-Operative Central Banks shall be filed up on the ratio of nine posts from Secretaries and one post from the employees of the bank and consequently GO Ms. No. 773 dated 28.6.1985 was issued. Later another GO Ms. No. 1271 dated 8.8.1986 was issued prescribing qualifications for V Cadre posts in the Co-Operative Central Banks. Subsequently, the 4th respondent, on coming to know that the said ratio is not being followed, issued Circular dated 20.7.1988 directing the 1st and 2nd respondents and other Co-Operative Central banks to strictly follow the ratio prescribed in the G.Os. read above. But the respondents 1 and 2 in violation of the above G.Os. and the above circular, and without any authority or power, issued impugned proceedings indirectly promoting respondents 5 to 17, who are working in VIII Cadre posts, entrusting the duties of Cadre V posts.

Respondents 1 and 2 filed counter affidavit denying the material averments and contended that the writ petition against them is not maintainable inasmuch as they are neither statutory authorities nor instrumentalities of State. It is also contended that if at all they have violated any G.O. or the consequential circular issued by

the 4th respondent, the petitioners have to move the Government. It is further stated that the vacancies that arose in Category V due to death and retirement, pending receipt of permission to fill up the vacancies, the bank has taken a decision, in view of the exigencies of service and in the interest of administration, to entrust the clerical duties to the VIII Cadre employees on an allowance of Rs.250/- per month, which does not create any right in favour of such employees, to which effect, a letter of undertaking was also taken from them. It is further submitted that this arrangement was made purely on adhoc basis and will not deprive the eligible members of the petitioner's association.

It is evident from the record that Respondents 1 to 17 were served with the notices except respondents 5 and 6 against whom the writ petition was dismissed for default.

Respondents 1 and 2 are represented by Mr. P. Srinivas, Advocate, while the respondents 3 and 4 are represented by the learned Government Pleader for Co-Operation. On behalf of other respondents, there is no representation. Hence, basing on the counter affidavit filed by the respondents 1 and 2, the writ petition is being disposed of.

A bare reading of the counter affidavit abundantly makes it clear that the duties of the posts in Cadre V that

fell vacant due to retirement and death of the employees, were entrusted to Cadre VIII employees, purely on administrative exigency of work on an allowance of Rs.250/- per month and that too after obtaining an undertaking from them that such entrustment of duties will not create any right in their favour. It is also evident that such an arrangement was made pending receipt of permission from the Managing Director, A.P. State Co-Operative Bank and immediately after receipt of such permission, the vacancies will be filled up with the eligible members of the petitioner society, as per the regulations in force.

Recording these averments made in the counter affidavit, the writ petition is disposed of. No order as to costs.

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Mrs. Justice T.Meena Kumari

October 3, 2007
MAS